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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/501,535

12/22/2004

Martin V Lowson

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39878 7590 09/28/2007  
MH2 TECHNOLOGY LAW GROUP  
1951 KIDWELL DRIVE  
SUITE 550  
TYSONS CORNER, VA 22182

EXAMINER

MORROW, JASON S

ART UNIT

PAPER NUMBER

3612

MAIL DATE

DELIVERY MODE

09/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/501,535

Applicant(s)

LOWSON ET AL.

Examiner

Jason S. Morrow

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-23, 26-36 and 38-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 41-50, 52 and 53 is/are allowed.
- 6) ☐ Claim(s) 21-23, 28-32, 34-36, 39 and 40 is/are rejected.
- 7) ☒ Claim(s) 26, 27, 33, 38 and 51 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 51 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 41, from which claim 51 depends, includes all the limitations of claim 51.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

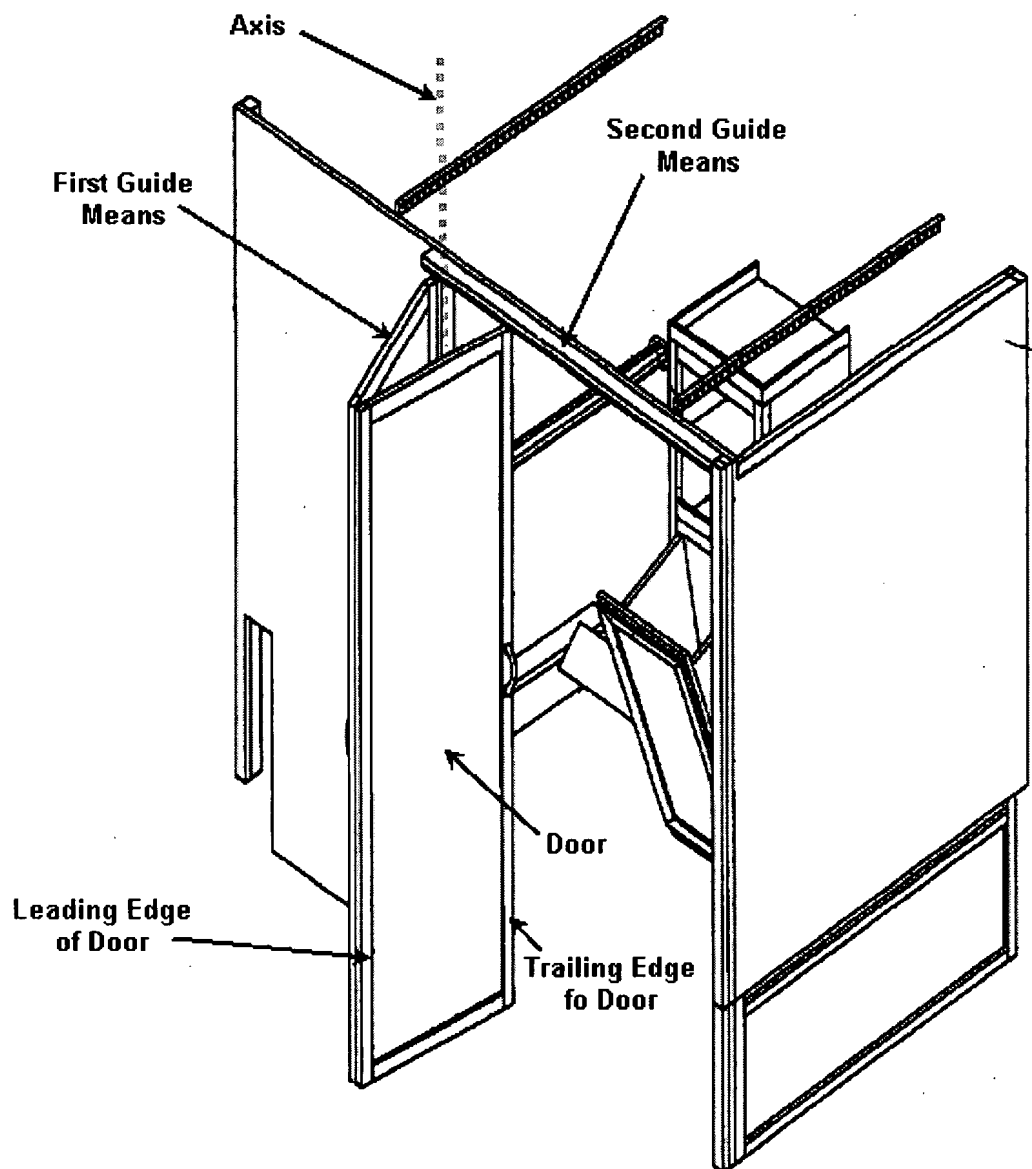
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21-23, 28-30, 34-36, and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Crean (US Patent 6,565,144).

Re claim 21, Crean discloses a door (310, see figure 2D) mounted on a structure for displacement between an open position and a closed position with respect to a door aperture in the structure, the door being connected to the structure by first guide means (the other portion of the door at 324), which constrains a leading edge of the door, with respect to movement towards the open position, to execute an arcuate movement about an axis which is fixed to the structure, and by second guide means (the part which fits in the track 326), which constrains a trailing edge

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of the door to execute a linear movement substantially parallel to the plane of the door aperture such that the trailing edge of the door remains substantially in the plane of the door aperture.

**FIG. 2D**

Re claim 22, the first guide means comprises a door control lever (the portion of the door at 324 acts as a lever with respect to the other part of the door at 310) which is mounted at one end for pivoting movement about an axis fixed to the structure, and is connected at the other end for pivotable movement relative to the door.

Re claim 23, the axis of arcuate movement extends upwardly.

Re claim 28, the second guide means comprises a guide element mounted adjacent the trailing edge of the door, the guide element engaging a guide track (326) which is fixed to the structure.

Re claim 29, the guide track extends parallel to the door opening.

Re claim 30, the guide track lies generally in a plane which is perpendicular to the axis of arcuate movement (see figure 2D).

Re claim 34, the structure is a vehicle body having at least an outer skin (the outer walls of the vehicle).

Re claim 35, the axis of arcuate movement is inside the outer skin (the outer skin surrounds the axis of arcuate movement).

Re claim 36, the first guide means comprises a door control lever (the portion of the door at 324 acts as a control lever) which is mounted at one end for pivoting movement about an axis fixed to the structure, and is connected at the other end for pivotable movement relative to the door.

Re claim 40, the door is part of a vehicle (the vehicle is an RV).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 31, 32, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crean (US Patent 6,565,144) in view of Jerila (US Patent 4,631,894).

Crean discloses all the limitations of the claims, as applied above, except for the guide track being one of two parallel guide tracks which are spaced apart in the direction of the axis of arcuate movement, the guide tracks lying close to a common plane which is inclined to the axis of arcuate movement, and the guide track being disposed below a floor panel which is secured to the vehicle structure.

Jerila teaches a guide track being one of two parallel guide tracks (22, 26) which are spaced apart in the direction of an axis of arcuate movement, the guide tracks lying close to a common plane which is inclined to the axis of arcuate movement (a common plane inclined to the axis of arcuate movement and close to the guide tracks can be imagined), and the guide track being disposed below a floor panel (27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a door, such as that disclosed by Crean, to have the guide track being one of two parallel guide tracks which are spaced apart in the direction of the axis of arcuate movement, the guide tracks lying close to a common plane which is inclined to the axis of arcuate movement, and the guide track being disposed below a floor panel which is secured to the

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vehicle structure, as taught by Jerila, in order to construct the door in a stronger manner and prevent the bottom track from extending into the doorway and creating a tripping hazard.

***Allowable Subject Matter***

6. Claims 26, 27, 33, and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 41-50, 52, and 53 are allowed.

***Response to Arguments***

8. Applicant's arguments filed 5/29/07 have been fully considered but they are not persuasive.

Applicant appears to misconstrue the examiner's interpretation of the reference. Accordingly, the examiner has added an annotated figure above to clarify the rejection.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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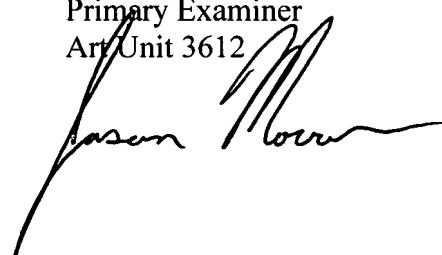
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (571) 272-6663. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason S. Morrow  
Primary Examiner  
Art Unit 3612

A handwritten signature in black ink, appearing to read "Jason Morrow", is written over the printed name and title of the examiner.

September 18, 2007